

Notice of Allowability

Application No.

10/605,290

Examiner

Frank Vanaman

Applicant(s)

SYED ET AL.

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed Nov. 14, 2006.
2. ☒ The allowed claim(s) is/are 1 and 4-7.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
- ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
- ☐ Notice of Informal Patent Application
- ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
- ☒ Examiner's Amendment/Comment
- ☐ Examiner's Statement of Reasons for Allowance
- ☐ Other _____

Examiner' Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the claims: Claims 8, 9, 11, 18 and 19 are canceled.

This application is in condition for allowance except for the presence of claims 8, 9, 11, 18 and 19 directed to an invention non-elected without traverse. Accordingly, claims 8, 9, 11, 18 and 19 have been cancelled.

2. The examiner notes an apparent traversal in the response filed August 18, 2005, however the propriety of the restriction was **not** traversed, rather it had been suggested by applicant that claim 11 (an apparatus claim) should be examined with the elected invention (directed to a method). In the action mailed Oct 31, 2005 the examiner noted that claim 11 was properly grouped with the other apparatus claims (claims 8, 9, 18, and 19), with which analysis applicant noted agreement in the comments submitted February 2, 2006.

3. Additionally, the examiner notes that the paper filed Nov 14, 2006 cancels claims 10, 12, 13, 16 and 17: while the claim descriptor "(canceled)" is correct, the text of these claims is presented in the amendment despite their having been canceled, which presentation is not in accordance with the manner of making amendments specifically set forth in 37 CFR 1.121. Inasmuch as applicant has otherwise presented an

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amendment placing the application in condition for allowance, the amendment has been entered.

4. To summarize:

Claims 2, 3, 14 and 15 were previously canceled by applicant;

Claims 10, 12, 13, 16 and 17 are canceled in the instant amendment, although the text of those claims is presented in the amendment papers;

Claims 8, 9, 11, 18 and 19 have been canceled by the examiner as being previously withdrawn, and directed to a non-elected invention;

Claims 1, 4, 5, 6, and 7 remain pending and are allowed.

5. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

F. VANAMAN
Primary Examiner
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